

A REPORT TO CLIENTS & ATTORNEYS
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OF COUNSEL

Florida Jury Finds Aviation Services Giant Liable for \$4.3 Million

Commercial Consultants, LLC, was awarded \$3.5 million in a complex commercial case against BBA U.S. Holdings, Inc. and its subsidiary, Signature Flight Support Corporation. Despite the legal complexity of the case, the jury in Orlando Circuit Court took only 90 minutes to rule in favor of the plaintiff on all of its claims.

In 2005, Signature entered into a contract with Commercial Consultants to provide consulting services to assist Signature in acquiring Executive Beechcraft, a group of four Kansas City Fixed Base Operations (FBOs) providing fuel and storage facilities for private aircraft. Commercial Consultants had successfully provided similar services to Signature since 2003.

According to the contract, Commercial Consultants was to receive 3% of the purchase price if Signature was successful in the acquisition. The law suit contended that Signature's parent company, BBA U.S., acquired Executive Beechcraft, rather than Signature, in an attempt to avoid Signature's fee obligation. The purchase price was \$72.5 million.

This case is of significant interest to the aviation industry. BBA U.S. and Signature are part of BBA Aviation plc,



a British conglomerate of aviation-related operations. Signature is the largest owner of FBOs in the world.

"The fact that our client succeeded as an aviation consultant in the face of a disabling, degenerative disease makes this a particularly satisfying victory," said **Jack Scarola**, who, with **William King**, represented Commercial Consultants. "That said, we hope and trust that anyone with so strong and important a case would have obtained the same swift justice this jury provided," Scarola said.

"Executive Beechcraft was a family-owned operation that, like many closely-held businesses, does not readily trust acquisition overtures from corporate conglomerates," added Mr. Scarola. "It's ironic that Signature and BBA U.S. trusted Commercial Consultants enough to overcome those suspicions while ultimately deciding to deny the company its rightful claim." Post-judgment interest and an award of over \$500,000 in attorneys' fees increased the defendants' liability to approximately \$4.3 million. ♦

An Advertised 'Stroke Hospital' Proves To Be No Such Thing

Strokes can be as deadly as heart attacks, and they need to be treated like the emergencies they are. They often occur after major surgery, and particularly after orthopedic surgery. It is critically important for hospital personnel, particularly nurses, to recognize the signs of a stroke and immediately contact a doctor if they suspect a stroke is underway. Unfortunately for 79-year-old Cathy Crawford (name changed to protect confidentiality) the hospital she chose for hip replacement surgery – a hospital which advertised itself as a "designated primary stroke center" – completely

failed to recognize the post-surgical stroke that eventually caused her death.

Cathy was a loving wife, mother and grandmother. She was in great shape physically, except for a hip which had simply worn out. Like thousands of people her age, she decided to have a hip replacement. Surgery went smoothly and she awoke about as comfortable as could be expected. The following morning, she was alert and cheerful, joking with her surgeon's physician's assistant. Several hours later, however, her condition began to deteriorate. Her physical therapist noticed the change and alerted the hospital nurses, who ignored him and did nothing. As the day progressed, another therapist came to visit Cathy and could not arouse her. He became alarmed and, he too, notified the hospital nurses, and, again, no action was taken. *(Continued on page four.)*